

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

ALAN SIMMONS, JR.,

Civil No. 19-947 (JRT/KMM)

Petitioner,

v.

R. MARQUES, WARDEN,

**ORDER ON REPORT
AND RECOMMENDATION**

Respondent.

Alan Simmons, Jr., Reg. No. 08759-089, ADDRESS UNKNOWN, *pro se* petitioner.

Erin Secord, Assistant United States Attorney, **UNITED STATES ATTORNEY'S OFFICE**, 300 South Fourth Street, Suite 600, Minneapolis, MN 55415, for respondent.

A Report and Recommendation was filed by Magistrate Judge Katherine Menendez on October 21, 2019. No objections have been filed to that Report and Recommendation in the time period permitted.

Based on the Report and Recommendation of the Magistrate Judge, on all of the files, records, and proceedings herein, **IT IS HEREBY ORDERED** that:

1. The Petition for a Writ of Habeas Corpus [ECF No. 1] is **DENIED AS MOOT**;
2. Plaintiff's Pro Se Motion for A Public Defender [ECF No. 4] is **DENIED AS MOOT**;

3. This action is **DISMISSED WITHOUT PREJUDICE** for lack of subject matter jurisdiction.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: December 3, 2019
at Minneapolis, Minnesota

s/John R. Tunheim
JOHN R. TUNHEIM
Chief Judge
United States District Court